

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

BENJAMIN J. KWITEK, INDIVIDUALLY AND INTERFORM INCORPORATED, Plaintiff, vs.  PENTEL COMPANY, LTD. JAPAN AND PENTEL PEN CORPORATION, Defendants.		CIVIL ACTION NO: 2:08CV-00195
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**STIPULATED ORDER OF DISMISSAL**

CAME ON THIS DAY for consideration of the Stipulation of Dismissal filed in this case by Plaintiffs Benjamin J. Kwitek and InterForm Incorporated (“Plaintiffs”), on the one hand, and Defendants Pentel Company Ltd., and Pentel Pen Corporation (“Defendants”), on the other hand, and the Court being of the opinion that said motion should be GRANTED, it is hereby

ORDERED, ADJUDGED AND DECREED that:

1. This Court has jurisdiction over the parties and the subject matter of this action.
2. Subject to the terms and conditions of the Settlement and License Agreement by and among Plaintiffs and Defendants dated November 2, 2012, all claims by Plaintiffs directed to Defendants are dismissed with prejudice, and all claims by Defendants directed to Plaintiffs are dismissed with prejudice.
3. There shall be no accounting or award of damages and all costs shall be borne by the party incurring such costs.
4. The parties waive all rights to appeal from this Order.

**SIGNED this 13th day of November, 2012.**

  
ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE